

EXHIBIT E

PMH 3/15/05

At the Surrogate's Court of
the State of New York held in
and for the County of
Westchester on the 15th
Day of March, 2005

PRESENT: HON. ANTHONY A. SCARPINO, JR., SURROGATE

In the Matter of the Judicial Settlement of the First Intermediate
Account of the Proceedings of Richard Siegler, Douglas Durst
and Jonathan Durst, as Trustees of the Trusts under Agreements
dated May 1, 1962, created by

File No. 3156/04

SEYMOUR B. DURST,

As Grantor,

For the Benefit of Robert Durst.

In the Matter of the Judicial Settlement of the First Intermediate
Account of the Proceedings of Richard Siegler, Douglas Durst
and Jonathan Durst, as Trustees of the Trusts under Agreements
dated December 31, 1962, created by

File No. 3156/04 (B)

SEYMOUR B. DURST,

As Grantor,

For the Benefit of Robert Durst.

As a result of a discovery conference held on February 24, 2005, the Court hereby
amends and modifies its initial Discovery Order entered herein on January 12, 2005, as follows:

**JOINT DISCOVERY
ORDER**

1. The parties will comply with the Notices of Discovery and Inspection served upon
them not later than April 8, 2005.

2. The examination before trial of a representative of Stroock & Stroock & Lavan
LLP with the knowledge of the services rendered by that firm with respect to the trusts at issue in

these proceedings shall be held at 10:00 a.m. on May 4, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

3. The examination before trial of Michael Kennedy, a non-party witness, shall be held at 10:00 a.m. on May 5, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

4. The examination before trial of David Durst, a non-party witness, shall be held at 10:00 a.m. on May 11, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

5. The examination before trial of Richard Siegler, a party, shall be held at 10:00 a.m. on May 16, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

6. The examination before trial of Douglas Durst, a party, shall be held at 10:00 a.m. on May 18, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

7. The examination before trial of Jonathan Durst, a party, shall be held at 10:00 a.m. on May 19, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

8. The examination before trial of Jerome Manning, a non-party witness, shall be held at 10:00 a.m. on May 23, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

9. The examination before trial of a representative of H.J. Behrman with knowledge of the services rendered by that firm with respect to the trusts at issue in these proceedings, a non-party witness, shall be held at 10:00 a.m. on May 25, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

10. The examination before trial of Ira Marx, a non-party witness, shall be held at 10:00 a.m. on June 9, 2005, at the offices of Anderson Kill & Olick, P.C., 1251 Avenue of the Americas, New York, New York 10020.

11. The examination before trial of Robert Durst, a party, shall be held on or before June 10, 2005, at such time and place to be determined by the Federal Authorities.

12. All discovery motions relating to the parties' Notices of Discovery and Inspection shall be made on or before April 1, 2005, and be made returnable no later than April 13, 2005.

13. Except as provided above, the Discovery Order entered herein on January 12, 2005 remains in full force and effect.

This is the Order of the Court.

Anthony A. Scarpino Confirmed
HON. ANTHONY A. SCARPINO, JR.
Westchester County Surrogate
RCH/CTS

At a Surrogate's Court of
the State of New York held
in and for the County of
Westchester on the 12th
day of January, 2005

PRESENT: HON. ANTHONY A. SCARPINO, JR., SURROGATE

Estate of Durst

DISCOVERY ORDER

File No. 3156 / 2004

As a result of a discovery conference held on
January 12, 2005, the court sets the following schedule for
completion of discovery in this proceeding:

1. A demand for a Bill of Particulars as to

_____ is to be served by
_____ on or before _____.

Thereafter, the Bill of Particulars shall be served on or before

2. All demands for Discovery & Inspection including
interrogatories are to be served on or before February 11, 2005
and are to be complied with not later than _____ ~~days after~~
service. March 11, 2005

3. Examination before trial of Jerome Manning

_____ (party) ~~(witness)~~ shall be held at 10
a.m. on April 11, 2005 at the (Surrogate's Court Westchester
County). _____).

David Duest

Examination before trial of Richard Stephen

April 12, 2004 (party) (witness) shall be held at 10
a.m. on April 12, 2005 at the (Surrogate's Court Westchester
County).

Examination before trial of Day las Duest

April 14 (party) (witness) shall be held at 10
a.m. on April 14, 2005 at the (Surrogate's Court Westchester
County).

Examination before trial of Richard Siegle

_____ (party) (witness) shall be held at 10
a.m. on April 15, 2005 at the (Surrogate's Court Westchester
County).

Examination before trial of Jonathan Duest

_____ (party) (witness) shall be held at 10
a.m. on April 18, 2005 at the (Surrogate's Court Westchester
County).

Examination before trial of a representative of
School School I have with Knowledge of the Soviet sent by that firm
 (party) (witness) shall be held at 10
 a.m. on April 19, 2005 at the (Surrogate's Court Westchester
 County).

Examination before trial of Michael Kennedy
 (party) (witness) shall be held at 10
 a.m. on April 21, 2005 at the (Surrogate's Court Westchester
 County). May 3, 2005

Examination before trial of Ira Marks
 (party) (witness) shall be held at 10
 a.m. on May 5, 2005 at the (Surrogate's Court Westchester
 County).

Examination before trial of a representative of H.I. Beeman
with knowledge of the Soviet sent by that firm to the Trust
 (party) (witness) shall be held at 10
 a.m. on May 9, 2005 at the (Surrogate's Court Westchester
 County).

Examination before trial of Robert Drost, a
 party shall be held on or before May 20, 2005
 at a venue to be determined the Federal Court.

All EBT's shall be continued day to day until complete unless otherwise directed by the Court.

4. Other miscellaneous matters:

a. all discovery motions, ^{relating to the demands for discovery; Inspection} shall be filed on or before March 11, 2004 and be made returnable no later than March 23, 2004

b. all affidavits of legal services ^{in Schedule} shall be filed by January 21, 2005.

5. Any party may serve a Post-EBT Discovery & Inspection demand within 10 days after the EBT to which it relates. Such demand shall be responded to within 14 days after services thereof.

6. There shall be no other, further or additional discovery by any party without further order of the Court and only upon good cause shown.

7. There shall be no adjournments of the dates, times or discovery directed herein without prior Court approval. The failure to conduct and complete any discovery directed herein shall constitute a waiver of such discovery and may otherwise subject the offending party or counsel to sanctions as proscribed by law.

~~8. All dispositive motions shall be made and filed on or before _____ and shall be returnable not later than _____. No oral argument is required.~~

9. A note of issue, statement of readiness and statement of issues (order framing issues) are to be filed by petitioner on or ~~before _____~~

10. A ~~pre-trial~~ ^{further discovery} conference shall be held on February 24 at 10:30 a.m. ~~The appearances of counsel and~~ clients are required. The failure of any counsel or party to appear may result in sanctions including without limitation dismissal of any claim or counterclaim or the issuance of a ~~default judgment or decree.~~

This is the Order of the Court.



HON. ANTHONY A. SCARPINO, JR.
Westchester County Surrogate